DOCUMENT RESUME

ED 168 764 RC 011 242

TITLE	Report of the Subcommittee on Indian Education to the Federal Interagency Committee on Education.
INSTITUTION	Federal Interagency Committee on Education, Washington, D.C. Subcommittee on Indian Education.
PUB DATE	Jun 78
NOTE	10p.
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Agency Role; American Indians; Construction Programs; Early Childhood Education; Educational Finance; Educational Research; Equal Education; Federal Aid; *Federal Programs; Government School Relationship; *Policy Formation; *Problems; Program Evaluation; Schools; *Training; Tribes
IDENTIFIERS	*American Indian Education; *Federal Indian Relationship; State Indian Relationship

ABSTRACT

Five areas concern the Subcommittee on Indian Education for 1979. First, there is lack of coordination at the funding level and the operations level among the many federal agencies and programs involved in providing early childhood education services to Indians. The feasibility of establishing a National Center for Early Childhood Indian Education programs should be explored. Second, there is a backlog of about $900 million (a possibly inaccurate figure) in Indian school construction projects, but the 1979 Administration budget allocation is only $29.5 million. An analysis, with report and recommendations, of fiscal needs for such construction should be completed by December, 1978. Appropriate agencies should support resulting necessary budgets. Third, there is little coordination among federal programs sponsoring Indian education and training or attempting to provide jobs; a review of such programs is necessary. Fourth, to meet the education and training needs of the Indian community, there is a need for expanded research and development efforts with the dissemination of significant findings. The National Institute of Education should analyze all existing federal efforts, noting gaps in research and reviewing the organizational arrangements within concerned agencies. Fifth, efforts should begin immediately to clarify the responsibility of the state to Indian people, as well as certain federal and state jurisdictional ambiguities in funding and control. (SB)

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REPORT

OF THE

SUBCOMMITTEE ON INDIAN EDUCATION

To the

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

June 1978

JAN 1979
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RC 011242

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY REFER TO:

MEMORANDUM

TO: Chairperson and Members,
Federal Interagency Committee on Education

FROM: Chairman, FICE Subcommittee on Education

SUBJECT: Report of Subcommittee on Indian Education

This report submitted on behalf of the FICE Subcommittee on Indian Education, is based on Subcommittee study and deliberations over the last three years. It takes cognizance of the extensive recommendations from the FICE Convocation on Indian Education convened by the Subcommittee in March 1977, as well as issues raised by the Federal agency members of the Subcommittee. A report summarizing the proceedings and recommendations of the Convocation is now available.

The Subcommittee proposed to emphasize five areas over the next year. These are:

1. Early Childhood Education Programs
2. Indian School Construction
3. Education, Training and Work
4. Research, Development, Evaluation and Dissemination
5. Federal, State, Tribal Relationships

For each of these areas this report includes a brief statement of the problem as perceived by the Subcommittee and recommendations or proposed activities. Your assistance and support is requested.

William G. Demmert, Jr.
Chairman, FICE Subcommittee on
Indian Education

EARLY CHILDHOOD EDUCATION PROGRAMS

Statement of the Problem

In 1974 Congress directed the Bureau of Indian Affairs "to provide to the House and Senate Committees on Appropriations an analysis of the need for a program in early childhood education, together with recommendations for carrying out such a program in the future." The Bank Street College of Education was contracted to do the analysis. Among the conclusions of the Bank Street report was that:

> "Renewed efforts on the part of Congress...will not be effective unless the fragmentation currently in evidence of Federal, State, Tribal, and private programs is eliminated. Coordination of planning, funding, administration, and implementation for all programs at local, State, regional and Washington levels is vital. Only then can services to young Native American children and their families be effective."

A large number of agencies and programs are involved in early childhood Indian education, e.g., Kindergarten Program (BIA); Early Education for the Handicapped OE/BEH; Head Start (ACYF); Discretionary Grants (Office of Indian Education); and health and nutrition education (OHS).

Given the number of programs and offices involved, it is hardly surprising that the Bank Street report found coordination lacking at the service delivery level.

Improved formal coordination both at the Federal funding level and at the program operations level appears necessary to insure that services provided are complementary, compatible and non-duplicatory. Through increased coordination by the funding agencies, a more rational and equitable distribution of funding resources may be achieved. Greater coordination between the funding agencies in developing monitoring instruments, reporting requirements and conducting joint site visits could result in a reduction in the administration burden at the program level.

The Intra-Departmental Council on Indian Affairs has made an initiative in this area a priority for the coming year.

Proposed Activity

1. The Subcommittee on Indian Education proposes to explore the feasibility of establishing a National Center for Early Childhood Indian education programs.

INDIAN SCHOOL CONSTRUCTION

Statement of the Problem

Many Indian students attend schools where the educational facilities are deplorable. Not only do such facilities provide an inadequate learning environment, but in many cases potentially unsafe conditions exist. The problem extends to schools owned and operated by the Bureau of Indian Affairs, public schools, and tribally controlled schools.

A number of legislative provisions exist to address these construction needs. First, P.L. 81-815 provides funds for the construction and repair of urgently needed minimum school facilities to help compensate for the cost of educating children in areas where enrollment and the availability of revenues from local sources have been adversely affected by Federal activities. Subsections 14(a) and (b) authorize grants to construct minimum school facilities in school districts which provide free public education for children who reside on Indian lands or in districts where Indian lands comprise a substantial part of the school district. The FY 1979 budget request for this subsection is $16 million. The estimated backlog prior to 1979, which is the amount requested by eligible districts under this provision, is $550 million. This program is operated by the Office of Education.

Second, under a number of legislative authorities, including the Snyder Act and the Indian Self-Determination and Education Assistance Act, the Bureau of Indian Affairs is authorized to fund new construction and renovation for its own school facilities, public schools, and tribally controlled schools. The President's FY 1979 budget requests $13.5 million under these authorities for only Bureau schools. In addition, $5 million is requested for renovation of all Bureau facilities, and some of those funds would support schools. No construction funds are requested for public schools or tribally controlled schools. Concerning backlog, which is again merely the sum of requests, estimated needs are $300 million for BIA operated schools and $50 million for "previously private" schools.

The following table summarizes the above detail (dollars in millions):

	Type of School	Backlog	1979 Administration Budget
1.	LEA - Public School	$550	$ 16
2.	BIA Operated Schools	300	13.5
3.	Tribally Controlled Schools	50	--
	Total	$900	$ 29.5

The issue arises as to the legitimacy of the backlog estimates. Currently, neither the Office of Education nor the Bureau of Indian Affairs has any independent method for judging the validity of these numbers. While procedures exist for the priority ranking of competing schools, and costs are set once grantee determination is made, no valid notion of total real need exists. Most would agree, however, that there are considerable immediate fiscal needs (in the hundreds of millions) beyond the $29.5 million request in the FY 1979 budget.

Recommendations and Proposed Activities:

The Subcommittee has two proposals:

1. That the FICE Subcommittee on Indian Education with support from BIA and OE and possibly other agencies, propose to conduct an analysis based on ongoing agency efforts of fiscal needs in the construction of schools serving Indian children; and complete a report and recommendations by December, 1978.

2. The Subcommittee recommends that appropriate agencies and OMB support necessary budgets to address these needs once they are satisfactorily determined.

EDUCATION TRAINING AND WORK

Statement of the Problem

Efforts to strengthen the relationship between education training and work for Indian youth and adults is considered of prime importance to the survival of the Indian way of life.

Although the Departments of the Interior, Labor, Health, Education and Welfare, and some other Federal agencies all sponsor education and training or attempt to provide jobs, little if any coordination exists among these programs. Unemployment on and near Indian reservations remains the highest in the nation. Indian youth and adults face problems which will require coordinated attention if any progress is to be made. Economic development, job creation, special training programs, transition services, and improvements in education appear to offer greater promise for improvement if included as a package.

Proposed Activities

1. Accordingly, the Subcommittee proposes to review current Federal agency education, training, economic development and related programs for Indians with a view toward recommending additions, changes or coordination which could improve program delivery.

RESEARCH, DEVELOPMENT, EVALUATION AND DISSEMINATION

Statement of the Problem

Expanded research development efforts to meet the education and training needs of the Indian community was urged over and over again at the FICE sponsored Convocation on Indian Education. Evaluation of existing research and programatic activities to determine what works and what does not, was also urged. In addition, there were concerns for widespread dissemination of important findings. These views are supported by the FICE Subcommittee on Indian Education and the following recommendations are submitted as a first action step.

Recommendations

1. That the National Institute of Education as the lead Federal agency in education research conduct an analysis and report to FICE on existing research, development, evaluation and dissemination with respect to Indian education in all Federal agencies and at all education levels before the end of calender 1978.

2. That the report attempt to point out major gaps with respect to research in Indian education and training and include recommendations for assigning priorities.

3. That the report specifically analyse factors related to academic achievements of Indian children and adults.

4. That the report also review existing organizational arrangements within the Federal agencies concerned with research in all aspects of Indian education, and recommend organizational arrangements which would assure continued and meaningful research, development, evaluation and dissemination.

FEDERAL, STATE, TRIBAL RELATIONSHIPS

Statement of the Problem

Little systematic attention has been devoted to the State responsibility to Indian people. There is a need to clarify this responsibility if the educational opportunities for American Indians are to improve.

State responsibility for Indian education can be dated to the Citizenship Act of 1924, under which all Indians became citizens of the nation and of their respective states.[1] Indians thus became "dual citizens", with the rights peculiar to Indians and the rights common to non-Indians. Indians are now entitled to a free public education in all 50 states, under education laws and state constitutional provisions.

The nature of dual citizenship as it applies to the 75 percent of Indian students in public schools is unclear. Indian legal experts claim that state responsibility is based on the equal protection clause of the Fourteenth Amendment to the U.S. Constitution. However, recent State Supreme Court decisions in California, Arizona and New Mexico have questioned the degree of state responsibility. Thus far, neither Federal nor state courts have specified whether either jurisdiction has "exclusive" responsibility.

State and Federal jurisdictional ambiguities exist in funding and control. Indian land held in trust by the Federal government is not subject to property tax. Yet most state funding formulas depend on property tax revenues.

Control over the disbursement of Federal monies distributed to public schools has caused conflict among Federal agencies, Indian leaders and states. After a history of assimilationist policy, recent Federal laws have supported Indian self-determination. The Indian Education Act, for example, requires parent committees to plan, approve and participate in funded programs. However, state laws may grant final authority in policy, as represented by Indian committees (which may have an official relationship to tribal government), and state policy, as represented by local school boards, is difficult to resolve.

Not only do Federally funded programs cause disputes over authority, but also over proper and improper use of such funds, States are continually charged with misusing monies intended to benefit Indian children. The most common accusation is that schools supplant (rather than supplement) local funds with Federal money, thereby reducing local financial commitment.

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[1] Some Indians were citizens prior to this time. For example, those who were honorably discharged after service in World War I became citizens by an Act of November 6, 1919.

In reaction to these claims, states often express frustration over their inability to monitor funds which are primarily administered by local education agencies. (Programs funded under Part A of the Indian Education Act, for example, bypass the state educational agency, as does most Johnson O'Malley money.) While there are often honest misinterpretations of regulations, the states have had difficulty in disaproving misuse charges.

The Subcommittee recommends that efforts to clarify the respective State and Federal roles and responsibilities in Indian education begin immediately.

Proposed Activities

1. As a first step BIA and USOE plan to contract with the Education Commission of the States to study the State role in Indian education and to bring together State and Tribal leaders to begin to clarify respective roles.

2. The FICE Indian Education Subcommittee proposed to work toward further expanding the dialogue between Federal, State and Tribal leaders responsible for Indian education.

3. The Subcommittee also plans to develop approaches to share widely the results of the ECS efforts and other efforts to clarify respective roles and responsibilities.